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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,222	04/02/2001	Marc Degrauwe	ICB0102	6707

7590 02/10/2005

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EXAMINER

JENKINS, KIMBERLY YVETTE

ART UNIT PAPER NUMBER

2635

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/822,222	DEGRAUWE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimberly Jenkins	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

*Response to Arguments*

1. Regarding the arguments filed on November 30, 2004 of Application No. 09/822222, the arguments regarding the prior art reference Degrauwe (US 6685096), which cannot not be applied to reject the claims of the instant application. Henceforth, the arguments disclosed on p. 1 paragraphs 3-4 are persuasive, and the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tarbouriech (GB 2321746) in view of Ovard et al. (US 6356764)

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarbouriech (GB 2321746) in view of Ovard et al. (US 6356764).

Regarding claims 1-2 and 7, Tarbouriech, who teaches a portable data carrier (read as transponder) operating system, expressively discloses the transponder as comprising an antenna (receiving coil 26) (pg. 3, line 33 and Fig. 3). The transponder comprises a power source 11 that can have a connection to an external battery (pg. 2, lines 33-35). The transponder includes a microprocessor for data processing (pg. 5, lines 13-15). Tarbouriech also discloses the transponder has a comparator 40 that compares the voltage from the input signal and compares the regulated voltage to the reference voltage (pg. 4, lines 15-17). In the event of the regulated

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voltage being greater than the reference voltage, the power is dissipated as a result of the excess voltage to prevent damage with the regulator 19 (pg. 4, lines 18-23). Tarbouriech also teaches a power level detection circuit 13 that is another comparing means, but the power level circuit 13 compares the level of power that is coupled to the transponder to the transaction power level that is required to execute a transaction (pg. 3, lines 14-17). In addition, the transponder comprises a power source 11 that can have a connection to an external battery (pg. 2, lines 33-35). Tarbouriech disclose the transponder as operating or controlling several different applications (or transactions) (pg. 5, lines 1-8). However, Tarbouriech does not disclose a communication distance varying means.

However, Ovard, who teaches a wireless communication system comprising interrogators 26 and transponders 12 that can also operate in an active mode (col. 7, lines 32-33), expressively discloses a system that is capable of varying communication distance 15 (communication ranges) for communication reliability (col. 4, lines 27-45). The communication varying is based on the amplification gain 130, which provides a forward link communication signal to the power amplifier 124 which amplifies the forward link signals 27 within one of the plurality of communication ranges 15 (col. 12, lines 43-64). Being that Tarbouriech discloses a transponder system wherein the transponders are required to have sufficient power in order to transmit an optimal signal; it would have made it obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tarbouriech with the sytem of Ovard, because Ovard disclose a means to vary communication distance, which is dependent upon the amplification gain in order to provide a stronger signal that is capable of traveling over longer communication distances.

Regarding claims 3 and 5, Tarbouriech teaches a transponder (portable data carrier) wherein the reference voltage varies; for example, the power level detection circuit 13 may have an option of voltage multiplexer that utilizes a plurality of reference voltages (pg. 4, line 33-pg. 5, line 1). The varying reference voltages are useful in the event of multiple transactions between the transponder and the reader. Henceforth, the required levels can be interpreted as security codes, for only the appropriate code (power level) will operate that transponder to reduce errors.

Regarding claims 4 and 6, Tarbouriech teaches a transponder wherein the reference voltage is fixed (pg. 4, lines 15-16). Tarbouriech explains that the regulated voltage at terminal 21 is compared to a reference voltage, thus indicating only one reference voltage (pg. 4, line 16). In addition, the magnitude of the voltage is proportional to the excess power that comes from the input signal (security signal); henceforth, providing a means to automatically control the gain for the transponder (pg. 4, lines 24-26).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Stobbe (US 6070803) teaches a reading device for a transponder.
- Takebayashi (US 5821525) teaches distance varying transponder system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jenkins whose telephone number is 571.272.3064. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Jenkins  
Examiner  
Art Unit 2635  
31 January 2005

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SUPERVISORY PATENT EXAMINER  
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